

US Serial No. 10/037,829

Reply to Office Action of August 26, 2005

REMARKS

Claims 1-8, 10, and 12-21 are pending in the application, with claims 1 and 15 being independent claims. In the Office Action dated August 26, 2005, the Examiner rejected claims 1-8, 10 and 12-21 under 35 U.S.C. Sec. 103(a) as unpatentable over U.S. Patent No. 5,619,036, issued April 8, 1997 to Salvio et al. (hereinafter "Salvio") in view of U.S. Patent No. 6,535,242, issued March 18, 2003 to Strumolo et al. (hereinafter "Strumolo"). This rejection is respectfully traversed.

For a claim to be properly rejected for obviousness, the Examiner must show that the subject matter sought to be patented would have been obvious to one of ordinary skill in the art at the time the invention was made. Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner because every critical element appearing in the claims is not disclosed by the cited references.

Claim 1 of the instant application discloses a vision enhancement system for use on a vehicle that has an exterior body portion. The vision enhancement system comprises a camera mounted to the vehicle behind the exterior body portion and a door moveably mounted in the body portion. The door is positioned in the camera's line of sight and is capable of being moved between a closed position and an open position. The system further comprises an actuator for selectively positioning the door in the open and closed positions, an exterior ambient light detector, and a controller coupled to the exterior ambient light detector, the camera, and the actuator for opening the door and activating the camera when the exterior ambient light detector detects that exterior ambient light has fallen below a predetermined threshold.

Claim 15 of the instant application discloses a night vision enhancement system for use on a vehicle that has a front grill. The night vision enhancement system comprises a night vision camera that is mounted behind the grill and that has a forwardly directed line of sight and a door having a decorative exterior pivotally coupled to the grill in the camera's line of sight. The door is capable of being moved between an open position and a closed position. A motor is coupled to the door for selectively positioning the door in the open and closed positions. The night vision enhancement system further comprises a means for detecting exterior ambient light.

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A controller is coupled to the means for detecting exterior ambient light, the motor and the camera for energizing the motor and activating the camera when the means for detecting exterior ambient light detects that exterior ambient light has fallen below a predetermined threshold.

In contrast, nowhere does Salvio disclose a controller. The Examiner asserts that element 10 of Salvio is a controller (Office Action dated August 26, 2005, p. 3). However, Salvio identifies element 10 as a "night vision camera assembly mounted in the front of a vehicle 1010 (shown in phantom) behind the grille 12 thereof." (Salvio, Col. 2, lines 35-39) The camera assembly 10 of Salvio includes an infrared camera 14 which is secured to the vehicle by a bracket 16. (Salvio, Col. 2, lines 42-43) There is no indication in Salvio that the camera assembly 10 includes any other elements.

While a door assembly 40 is mounted in the grille 12 in front of the camera assembly 10 (Salvio, Col. 3, lines 4-5), nowhere does Salvio describe or identify any controller that controls the opening and closing of the door assembly. The only teaching regarding the opening and closing of the door assembly in Salvio states, "The door is actuated on command between open and closed positions by a solenoid attached to the frame of the vehicle on one end and to a linkage on the other." (Salvio, Col. 1, lines 6-67) Nowhere does Salvio identify the means that operates the solenoid. Thus, the solenoid could be activated by manual means rather than by a controller.

Further, Salvio does not indicate that the camera assembly 10 controls, activates, or operates the door 42 or the door assembly 40 and, accordingly, does not describe how the camera assembly 10 controls, activates, or operates the door 42 or the door assembly 40. If the Examiner believes that Applicants are in error, the Examiner is respectfully invited to identify the portion of Salvio that describes the control of the door 42 or the door assembly 40 by the camera 14 or the bracket 16 of the camera assembly 10.

Moreover, as the Examiner agrees, Salvio does not teach, disclose or suggest an exterior ambient light detector or a controller coupled to an exterior ambient light detector, a camera, and an actuator for opening the door and activating the camera when the exterior ambient light detector detects that the exterior ambient light has fallen below a predetermined threshold.

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Similarly, Strumolo does not teach, suggest, or disclose a controller that activates a camera when the exterior ambient light detector detects that the exterior ambient light has fallen below a predetermined threshold value. While Strumolo teaches that the illuminators of camera pairs 18, 20 and 22, 24 may be activated when measured levels of ambient light fall below a threshold level (Strumolo, Col. 6, lines 12-21), nowhere does Strumolo teach or disclose a controller that activates the cameras themselves. In other words, activation of the illuminators by controller 14 happens after activation of the cameras to enable the "night vision" capabilities of the cameras. Further, the controller of Strumolo does not control or activate any other part of the automobile, such as a door in front of a camera, when an exterior ambient light detector detects that ambient light has fallen below a predetermined threshold.

Accordingly, neither Salvio, nor Strumolo, nor a combination thereof, discloses a controller that activates a camera and an actuator that opens a door in the camera's line of sight when exterior ambient light falls below a predetermined threshold value. Thus, because neither Salvio nor Strumolo, nor a combination thereof, discloses every critical element of claims 1 and 15 and, hence, claims 2-8, 10, 12-14 and 16-21 that depend therefrom, neither Salvio, nor Strumolo, nor a combination thereof, renders claims 1-8, 10 and 12-21 obvious.

II. Conclusion

In conclusion, in view of Applicants' remarks, it is respectfully submitted that Claims 1-8, 10 and 12-21 are allowable and that Examiner's rejection under 35 USC § 103 has been overcome. Accordingly, Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge GM Deposit Account No. 07-0960 for any fee which may be due.

Respectfully submitted,



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